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HONORABLE FREDERICK CORBIT

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

GIGA WATT INC.

Debtor in Possession

Case No. 18-03197-11
Chapter 11

UNSECURED CREDITORS
COMMITTEE JOINDER IN
UNITED STATES TRUSTEE'S
OBJECTION TO FEE
APPLICATION

The Unsecured Creditors Committee of Giga Watt, Inc. ("Committee")
hereby joins in the United States Trustee's Objection to Fee Application (the
"Objection"), and also asserts its own limited additional objection.

I. Joinder in United States Trustee's Objection

Timothy R. Fischer of Winston & Cashatt submitted an Application for
Award of Compensation (the "Fee Application") on February 7, 2019, at Doc.
159. On February 22, 2019, the United States Trustee filed the Objection to the

1 Fee Application, setting forth several grounds. The Committee hereby joins in the
2 United States Trustee's Objection.
3

4 II. Additional Objection

5 In addition to the issues raised by the United States Trustee, the Committee
6 also objects to any order that would allow for immediate payment of any
7 fees/costs to Mr. Fischer. The Chapter 11 Trustee has yet to make any
8 determination regarding the availability of assets in the Debtor's estate to pay
9 administrative claims. Any order otherwise approving the amount or validity of
10 Mr. Fischer's claim should clarify that no payment shall be made—including
11 from any funds being held by Mr. Fischer or his firm—until the Trustee has
12 determined that there are sufficient funds to pay all administrative claims in full.
13 *In re W. Farmers Ass'n*, 13 B.R. 132, 136 (Bankr. W.D. Wash. 1981) ("When
14 there is the possibility that the assets of the estate will not be sufficient to cover
15 all expenses of administration, it is legally improper to pay one expense of the
16 debtor or debtor-in-possession before paying another").
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21 DATED this 4th day of March, 2019.

22 DBS | Law

23 /s/ Dominique R. Scalia
24 Ben Ellison, WSBA # 48315
25 Daniel J. Bugbee, WSBA #42412
26 Dominique R. Scalia, WSBA #47313
Attorneys for Official Unsecured Creditors
Committee